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Restriction Requirement for:

(961_002 - November 3, 2003)PJB/sca

Raymond Francis Jakubowicz et al.

Ser. No. 09/904,692

Filed: July 13, 2001

For: TANDEM INCUBATOR FOR CLINICAL ANALYZER



Practitioner's Docket No.: 961_002

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Raymond Francis Jakubowicz et al.

Ser. No.: 09/904,692

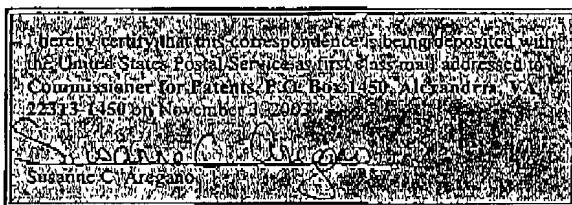
Art Unit: 1743

Filed: July 13, 2001

Examiner: Lyle Alexander

For: TANDEM INCUBATOR FOR CLINICAL ANALYZER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the pending Restriction Requirement, Paper No. 5, dated October 10, 2003, Applicants' herein provisionally elect, Group I, Claims 1-22 and 54-59, pursuant to 35 USC §121 for prosecution on the merits. Applicants' herein withdraw all remaining claims but reserve the right to file additional divisional patent applications on the non-elected claims.

However, Applicants' respectfully traverse the restriction requirement since the subject matter of all of claims - is sufficiently related that a thorough and complete search for the subject matter of the elected claims would necessarily encompass a thorough and complete search for the subject matter of the non-elected claims. Thus, it is respectfully submitted that search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is clearly stated that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits." It is respectfully submitted that this policy should apply in the present application

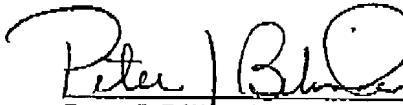
in order to avoid unnecessary delay and expense to Applicants' and improper duplicative examination by the Patent Office.

If the Examiner wishes to expedite disposition of the above-captioned patent application, he is invited to contact Applicant's representative at the telephone number below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Respectfully submitted,

Wall Marjama & Bilinski LLP



Peter J. Bilinski
Reg. No. 35,067

November 3, 2003

Date

PJB/sca
Telephone: (315) 425-9000

Customer No.: 20874